

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEONDRE CASEY,

Plaintiff,

Case No. 23-cv-11900
Hon. Brandy R. McMillion

v.

Mag. Judge Curtis Ivy, Jr.

STEES, GREASON,
MCOLOUGH, and MANDY,

Defendants.

/

**ORDER ADOPTING RECOMMENDED DISPOSITION OF REPORT AND
RECOMMENDATION (ECF NO. 23) AND GRANTING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT (ECF NO. 18)**

Pro se Plaintiff Deondre Casey, an inmate in the Michigan Department of Corrections (“MDOC”), brings this action against four MDOC employees – Steece, Greason, McCollough and Mandy (collectively, “Defendants”)¹, pursuant to 42 U.S.C. § 1983. ECF No. 1. Casey alleges excessive/unnecessary use of force, cruel and unusual punishment, and denial of medical care in violation of the Eighth Amendment, in addition to tort claims of assault, battery and negligence. *Id.*

This matter was originally assigned to the Honorable Linda V. Parker, who referred all pretrial matters to Magistrate Judge Curtis Ivy, Jr. ECF No. 11. On

¹ Defendants Steece and McCollough’s names were incorrectly spelled in the Complaint and thus the caption of this case reflects the incorrect spelling of their names. Defendants’ motion identifies the correct spelling of the Defendants’ names.

March 21, 2024, Defendants filed a Motion for Summary Judgment on the Basis of Exhaustion. ECF No. 18. The motion was fully briefed. *See* ECF No. 21, 22. The matter was reassigned to the undersigned on April 2, 2024. On April 3, 2024, this Court re-referred all pretrial matters to Magistrate Judge Curtis Ivy, Jr., including the Motion for Summary Judgment. ECF No. 20.

On July 19, 2024, in a Report and Recommendation (“R&R”), the Magistrate Judge recommended that the Court grant Defendants’ Motion for Summary Judgment. ECF No. 23. At the end of the R&R, the Magistrate Judge advised the parties that to seek review of his recommendation, they had to file specific objections with the Court within 14 days of service of the R&R. *Id.* at PageID.167-68. As of the date of this order, September 3, 2024—46 days since the Magistrate Judge filed the R&R—neither party has filed objections to the R&R or contacted the Court to ask for more time to file objections.

The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also Ivey v. Wilson*, 832 F.2d 950, 957-58 (6th Cir. 1987) (explaining that a party’s failure to timely object to a report and recommendation allows a court to accept the recommendation “without expressing any views on the merits of the magistrate’s conclusions”). Similarly, failure to object to an R&R forfeits any further right to

appeal. *See Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019) (recognizing that a party forfeits their right to appeal by failing to timely file objections to an R&R).

Accordingly, because neither party objected to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of Defendants' motion (ECF No. 23) is **ADOPTED**.

IT IS ORDERED that Defendants' Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 18) is **GRANTED**. Plaintiff's Complaint (ECF No. 1) is **DISMISSED WITH PREJUDICE**.

This is a final order that closes the case.

IT IS SO ORDERED.

Dated: September 3, 2024

s/Brandy R. McMillion
Hon. Brandy R. McMillion
United States District Judge